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IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RAY MICHAEL MILES,
Plaintiff,

vs.

CITY AND COUNTY OF SAN FRANCISCO,
et al.,
Defendants.

Action No. CV-08-2736

**PLAINTIFF RAY MICHAEL MILES MEMORANDUM OF POINTS AND AUTHORITIES IN
OPPOSITION TO DEFENDANT CCSF'S ADMINISTRATIVE MOTION TO EXEMPT
CASE FROM GENERAL ORDER NO. 56**

**I. GENERAL ORDER NO. 56 SHOULD
APPLY IN THIS ACTION**

A. Summary of the ADA factual allegations. The plaintiff alleges, inter alia, that he has been, and continues to be, refused access to public transportation by defendant Marie Kim on the grounds that he is mentally disabled.

The plaintiff does not allege denial of access due to physical barriers, but rather due to the arbitrary and unlawful conduct of the defendants.

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1 **B. Procedures under General Order No. 56 may prove beneficial.** The plaintiff acknowledges
2 that the language of General Order No. 56, in large part, addresses the issue of physical barriers to
3 access; however, the Order does not appear to limit its effectiveness to only this issue.

4 The plaintiff alleges that the defendants continue to deny him access public transportation and
5 has requested injunctive relief seeking access in the future. Under these circumstances, the parties and
6 the court would benefit from a resolution of this alleged ongoing violation of the ADA.

7 Because the plaintiff's allegations are perhaps "atypical" of the usual General Order No. 56
8 case, the plaintiff would be amenable to a modification of the customary approach mandated by the
9 Order. The plaintiff would suggest that the parties discuss the issue and, if possible, provide the court
10 with a joint recommendation as to a modified ADR process.
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12 WHEREFORE, the plaintiff respectfully requests that application of General Order No. 56 be
13 adapted to the current action and not vacated.
14

15 DATE: June 27, 2008

16 Respectfully submitted,
17 WINSLOW & HURTUBISE

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